

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 22-31 remain pending in the application subsequent to entry of this Amendment.

This response is directed to the issues raised in the Official Action of September 23, 2009 and also takes into account discussions between the undersigned and Examiner Hobbs on September 14, 2009.

Claims 22-31 remain rejected as being unpatentable over Perrier et al US 5,912,016. There appears to be some uncertainty as to exactly what is disclosed in the Perrier patent when it refers to French patent FR-A-2,444,497 in the name of Mars. Applicants contend that the Perrier reference mischaracterizes the content of the French document mentioned. During the discussions just mentioned as well as suggested on pages 5 and 6 of the Official Action, applicants were encouraged to provide a verified English translation of the underlying French patent document in question. Submitted herewith is a verified English translation of that document for completion of the record and also to verify the statements that were made earlier based upon the US patent counterpart US 4,569,844. Note in particular the process disclosed in claim 1 (page 17) and “a compound containing plurality of groups capable of reacting with amine groups to form a polymer” which is further defined in the text of the application on page 7, lines 6-14 “as the compound containing amine-reactive groups ...”. Note also that claim 1 ends “to form microcapsules with a wall consisting substantially completely of cross-linked protein”. Unlike the French document the present application provides a process which yields a modified lupin protein that is not cross-linked. Again, at the examiner’s suggestion, claim 22 has been amended to specify that the modified lupin protein is not cross-linked as will be apparent from the description of the invention. The process as disclosed includes the treatment of a native lupin with protease. The protease does not crosslink the protein but hydrolyzes the native lupin protein. For a crosslinking process one would either use an initiator such as an azo or peroxy compound or a crosslinking agent, that is crosslinking agents that contain at least two reactive groups that are reactive towards various other groups. Without either an initiator or a crosslinking agent there would be no crosslinking.

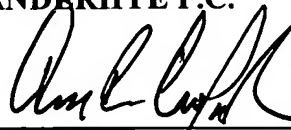
FUNDA et al
Appl. No. 10/530,167
November 19, 2009

It is believed that the attached verified translation plus amended claim will place all claims in the application in condition for allowance. Reconsideration and favorable action are solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Arthur R. Crawford
Reg. No. 25,327

ARC:eaw
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100